

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LISA CAROL WARD,)
)
Plaintiff,)
)
v.) 1:25CV65
)
CABARRUS COUNTY DETENTION)
CENTER,)
)
Defendant(s).)

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, submitted a civil rights action pursuant to 42 U.S.C. § 1983, together with an application to proceed *in forma pauperis*. The form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed and signed by Plaintiff, to permit review. Plaintiff submitted an *in forma pauperis* application but failed to include the amount of deposits into her prison trust account in the past six months. She must provide this information.
2. The Complaint used the proper form but Plaintiff did not fill out most of the form. Plaintiff must complete the entire form to the best of her ability. In particular, she must complete Sections IV, V and VI of the form so that the Court and any Defendants can know the nature of her claims, the facts supporting the claims, her alleged injuries, and the relief she seeks.
3. Plaintiff does not name proper defendants or give sufficient addresses for them to be served. She lists no Defendants in § I(B) of the Complaint and provides no address for any potential Defendants. In the caption of her filings, she lists the Cabarrus County Detention Center. However, that is a building, not a

person. To state a proper claim under § 1983, Plaintiff must name the persons who are actually responsible for the alleged violations of her constitutional rights.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint. To further aid Plaintiff, the Clerk is instructed to send Plaintiff new § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

In forma pauperis status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation. The Clerk is instructed to send Plaintiff § 1983 forms, instructions, an application to proceed *in forma pauperis*, and a copy of pertinent parts of Fed. R. Civ. P. 8 (*i.e.*, Sections (a) & (d)).

IT IS RECOMMENDED that this action be dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.

This, the 10th day of February, 2025.

/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge